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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,588	03/30/2004	Gregory Donoho	LEX-0486-USA	4322
24231	7590	04/07/2006	EXAMINER	
LEXICON GENETICS INCORPORATED 8800 TECHNOLOGY FOREST PLACE THE WOODLANDS, TX 77381-1160			MITRA, RITA	
			ART UNIT	PAPER NUMBER

1653

DATE MAILED: 04/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/813,588	DONOHO ET AL.	
	Examiner	Art Unit	
	Rita Mitra	1653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-21 is/are pending in the application.
- 4a) Of the above claim(s) 8,9,12,13 and 16-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6,7,10,11,14 and 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>3/30/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of the Claims

Applicants' response to restriction requirement dated October 27, 2005, filed on December 5, 2005 is acknowledged. Applicants have elected without traverse to prosecute the invention of Group I, claims 6-17 and SEQ ID NOs: 1 and 2. Claims 8, 9, 12, 13, 16, 17 and 18-21 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a non-elected invention, there being no allowable generic or linking claim. Therefore, claims 6, 7, 10, 11, 14 and 15 are currently under examination.

Objection to the Specification

The disclosure is objected to for the following informalities:

- 1) The abstract of the disclosure is objected to because the abstract is not descriptive. Appropriate correction is required. See MPEP § 608.01(b).
- 2) The abstract and title are objected to because of the use of the word "novel." The novelty is determination of the office not an assertion by applicants.
- 3) The continuing data on page 1 of the specification needs to be updated.

Objection to the Claims

Claims 6 and 10 objected to because of the following informalities. Appropriate correction is required. Claims 6 and 10 are objected to because these claims are drawn to non-elected subject matter. Claims 6 and 10 are also objected to because of the use of the phrase "drawn from the." A correction to read "selected from the" is suggested.

Claim Rejections - 35 USC § 112, Second Paragraph

The following is a quotation of the second paragraph of 35 U.S.C. 112:

"The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention."

Art Unit: 1653

Claims 7 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 7 and 11 are indefinite because of the use of the phrase "is that of." Independent claims 6 and 10 have "comprising" language therefore it is interpreted from the language of dependent claims that nucleic acid of claims 7 and 10 have SEQ ID NO: 1 and something else. A correction to read "consisting of" is suggested.

Claim Rejections-35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 6, 7, 10, 11, 14 and 15 are rejected under 35 U.S.C. 102(a) as anticipated by Fraser et al. (US 20030022279A1, published January 30, 2003, filed September 16, 2002, prior filing date June 29, 1999). Fraser et al. teach a cDNA clone encoding a polypeptide of human TANGO 229 (a transmembrane protein) protein isolated from a human T cell cDNA library, wherein TANGO 229 contains a CUB domain and a Factor V/VIII discoidin domain (see pages 67-80, Fig 10A-10G). Fraser's cDNA comprises a nucleotide sequence which has 99.7% sequence identity to SEQ ID NO: 1 (see McCarthy et al., alignment result 9, Database: Published_Applications_NA_Main, Accession NO: US-09-759-130B-72) and encoding a polypeptide having an amino acid sequence which has 99.8 % sequence identity to SEQ ID NO: 2 (see McCarthy et al., alignment result 9, Database: Published_Applications_NA_Main, Accession NO: US-09-759-130B-72). Fraser et al. also teach appropriate expression vector and host cell for the expression of TANGO 229 protein (see pages 308-316) (claims 10, 11, 14, 15). Fraser's nucleic acid sequence is considered for the nucleic acid sequence set forth in SEQ ID

Art Unit: 1653

NO: 1 that encodes an amino acid sequence of SEQ ID NO: 2 thus anticipating claims 6, 7, 10, 11, 14 and 15 of instant application.

Conclusion

No claims are allowed.

Inquiries

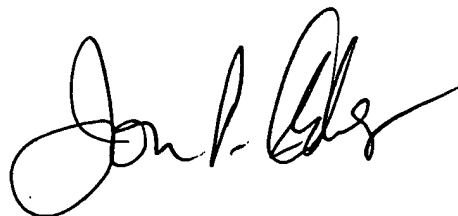
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rita Mitra whose telephone number is 571-272-0954. The examiner can normally be reached on M-F, 10:00 am-7:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Jon Weber can be reached on 571-272-0925. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Rita Mitra, Ph.D.

March 29, 2006



**JON WEBER
SUPERVISORY PATENT EXAMINER**